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97TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
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COMPLETED

JUAN ESTEBAN RAMIREZ

AUGUST 10, 1982.—Committed to the Committee of the Whole House and ordered to be printed

Mr. SAM B. HALL, Jr., from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 167]

The Committee on the Judiciary, to whom was referred the bill (S. 167), for the relief of Juan Esteban Ramirez, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant permanent resident status to Juan Esteban Ramirez. The bill provides for the payment of the required visa fee and for appropriate visa number deduction.

STATEMENT OF FACTS

The beneficiary of the bill is a 23 year old native and citizen of Ecuador who entered the U.S. as a visitor in 1974 through the efforts of Dr. Devota Nowland who found Juan during a visit to a missionary hospital in Ecuador where he was treated for malnutrition and also had surgery to correct the effects of polio on his legs.

The beneficiary's mother bore seven illegitimate children and sold Juan to restaurant owners in Ecuador to work for them. She could not afford to feed him and his siblings. The beneficiary has graduated from high school and has been accepted to pursue further education at the North Dakota State School of Science at Wahpeton, North Dakota. Dr. Nowland endeavored to adopt him and was denied by the Government of Ecqudor, so she located foster parents for him so that he could attend the Ann Carlsen School in Jamestown, North Dakota, a facility designed for the physically handicapped where he has made great progress.

A letter, with attached memorandum, dated September 10, 1981, to the Chairman of the Senate Committee on the Judiciary from the

Immigration and Naturalization Service with reference to the instant bill, reads as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C.

A20 945 681

Hon. STROM THURMOND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (S. 167) for the relief of Juan Esteban Ramirez, there is attached a memorandum of information concerning the beneficiary.

The bill would grant the beneficiary permanent residence in the United States as of the date of its enactment upon payment of the required visa fee. It would also direct that a visa number deduction be made.

The beneficiary, a native of Ecuador, is chargeable to the nonpreference portion of the numerical limitation for immigrants.

Sincerely,

DAVID DIXON
(For the Commissioner).

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE S. 167

The beneficiary, Juan Esteban Ramirez, a native and citizen of Ecuador, was born on August 30, 1958. He is single and resides with his foster parents, Mr. and Mrs. Vic Karges, in Hazen, North Dakota, during the summer months and resides at and attends the Anne Carlsen School for the Physically Handicapped in Jamestown, North Dakota, during the school year. He recently completed his junior year and expects to graduate in June 1982. Since March 1975, the beneficiary has resided with the Karges family and since September 6, 1976, he has been supported mainly by the Mercer County Social Services and all medical expenses incurred have been funded by the North Dakota Medical Assistance Program. The beneficiary is not employed and has no assets. He desires to continue his education in the United States, majoring in electronics.

The beneficiary is one of seven illegitimate children. Five of the children are still living and all but the beneficiary reside in Ecuador with their mother. The beneficiary contracted polio at age three and as a result has had to undergo several surgeries in Ecuador and intense physical rehabilitation in the United States and is now able to walk with the aid of a brace and crutches. He has good use of his arms and hands. The beneficiary was brought to the United States by a missionary who found him in 1974 suffering from malnutrition and in need of physical rehabilitation. Since his entry into the United States, he has progressed very well in school, both mentally and physically.

The beneficiary entered the United States on September 4,

1974, as a visitor to receive physical and psychic rehabilitation and was authorized to remain until August 26, 1975. On January 28, 1976, his application for further extension of stay was denied and he was subsequently granted until July 1, 1979, to depart voluntarily from the United States.

A petition filed by Mr. and Mrs. Karges to classify the beneficiary as an orphan was denied on July 11, 1975, because he was not under the age of 14 as required by Section 101(b)(1)(f) of the Immigration and Nationality Act.

Deportation proceedings were instituted against the beneficiary on May 28, 1980, on the ground that he had remained in the United States for a longer time than permitted. He was accorded a hearing before a Special Inquiry Officer on August 20, 1980, and was granted the privilege of voluntary departure with the alternative of deportation if he fails to depart when required.

Senator Burdick, the author of the bill, provided the following statement in support of his bill:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, D.C., March 16, 1981.

Hon. STROM THURMOND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR STROM: In compliance with your recent request, I am herewith submitting background information in connection with S. 167, the private relief bill I introduced on behalf of Juan Esteban Ramirez, cosponsored by Senator Mark Andrews.

The beneficiary entered the United States in 1974 through the efforts of a Dr. Devota Nowland of Armada, Michigan who found Juan during a visit to a missionary hospital in Ecuador. Juan was to be discharged after being treated for malnutrition and he had also had surgery to correct the effects of polio on his legs. Dr. Nowland felt he would need further treatment as well as education to enable him to become self-sufficient and she was able to obtain a B-2 temporary visa to allow him to enter this country.

Juan was enrolled in public school in Michigan and although Dr. Nowland endeavored to adopt him, the Government of Ecuador denied her petition and she then placed Juan in an adoption agency in North Dakota to see if a foster home could be located. Children's Village of Fargo, North Dakota placed Juan in the home of Mr. and Mrs. Victor Karges of Hazen where he was again enrolled in public school but since 1976 he has been attending the Ann Carlsen School in Jamestown, North Dakota, a facility designed for the physically handicapped.

Attached are statements from therapists and instructors of the Ann Carlsen School, attesting to Juan's progress and abilities and their strong feelings that he should be allowed to complete his education. Also enclosed are letters from residents of the community regarding Juan's participation in community and civil affairs and urging that he be considered to have been lawfully admitted to the United States.

In view of this rather overwhelming support and the uuncertain fu-

ture he will face should he be required to return to his native country, I hope the Committee will carefully evaluate the merits of S. 167, and recommend that it be enacted.

With kind regards, I am

Sincerely,

QUENTIN N. BURDICK.

Mr. Dorgan, the author of a companion bill (H.R. 3169), submitted the following statement and documents in support of the legislation:

TESTIMONY OF BYRON L. DORGAN

Mr. Chairman: I appreciate the chance to testify in support of H.R. 3169, a private bill to provide permanent residency for Juan Ramirez.

The Subcommittee members and staff have been most cooperative and helpful and I want to thank you all at the outset for your thorough review of this case.

Juan Ramirez simply has no other meaningful remedy. I believe humanitarian concerns and special merits argue strongly in favor of this bill.

Background

I have met Juan and his foster parents, Mr. and Mrs. Vic Karges, of Hazen, North Dakota. Juan is a young man with a lot of grit and determination despite a life filled with early abuse, physical handicaps, and a jarring cultural readjustment.

Likewise, his foster parents show the kind of concern for an outcast child that's a credit to our country. They have really given Juan a new lease on life—despite Mr. Karges' own severe medical problems and a modest income.

When medical missionaries found Juan in the jungles of his native Ecuador, he was a sixteen-year-old human skeleton who weighed less than 60 pounds. He suffered from devastating medical problems as a result of childhood polio and amoebic infestation.

Not only this, Juan had been sold by his family because they could not care for him. His own native government also turned a deaf ear to his case by refusing him the surgery needed to correct severely deformed feet and legs.

Had the medical missionaries not provided Juan with timely medical and surgical care, the need for this bill might have been academic. But because of their intervention, that of Dr. Devota Nowland (who brought Juan to the United States), and that of the Karges family, a destitute Indian boy has now become a healthy, ambitious young man. A man capable of playing a constructive role in our economy.

Now a high school graduate with a good work record, Juan has been accepted at the North Dakota State School of Science at Wahpeton, North Dakota.

Merits of the case

1. Hardship to Juan is the main reason for passing this bill. As the Senate report on the companion bill (S. 167) made clear: "Were Juan to return to Ecuador, he would not be accepted and most likely could not make a living for himself."

The past history of abandonment by his family and rejection by the

Ecuadoran Government, and the current tide of anti-American feeling in that region make clear why he would not be accepted.

Conversations with Dr. Nowland and inter-American health officials reinforce this view. He would face language, and cultural barriers that could undo all the progress he had made.

Juan could take care of himself, of course, if he did not face ostracism in Ecuador. He has proven himself to be a hard worker and responsible employee in his new home in the U.S. I have received written recommendations that make that case.

2. Harm to the Karges family offers a second consideration in favor of the case. Mr. Karges suffers from both Parkinson's disease (a progressive form of paralysis) and severe arthritis. His doctor has sent a special plea to urge that the Subcommittee pass the private bill to relieve the psychological stress on Mr. Karges, that aggravates his existing serious condition.

Since Mr. Karges is in his seventies, I fear that this case could drag on to the point where he might never have the satisfaction of a father-son relationship unclouded by Juan's immigration battle.

In a word, comon sense and humanitarian concern make passage of this bill necessary. I have reecived hundreds of petitions and letters from North Dakota and other states such as New York, California, and Texas, to name a few.

I understand that Congressmen Pickel, D'Amours, and Pritchard, among others, have all inquired about the bill.

Juan has earned his place in America and I think he deserves a chance to stay.

3. Juan's determination to succeed speaks for itself. I am convinced that Juan will become a taxpayer, not a tax liability. I believe that Juan can continue to add to our society, not detract from it.

Admittedly, Juan has received some special help. The Hazen, North Dakota School District paid his tuition at the Anne Carlson School for Crippled Children, from which Juan recently graduated. But Juan received no more special aid than any other disabled student in his situation. The modest foster care and medical assistance he received from the state provided the bare minimum needed to restore a human life.

Neither Juan nor his foster family received general assistance welfare payments.

This is not a welfare case.

Juan is a tough worker who is helping a friend pay for the latter's living expenses. He has walked four miles on crutches to get to his summer job. I think Juan is an inspiration to others—and he will never be a drag on the public welfare.

Options available

Senator Burdick and I introduced companion measures for Juan's permanent residency before he became eligible for an administrative remedy. Similarly, the Senate took its first favorable action on the bill before Juan and his family could have pursued the alternative.

Juan could now technically apply for administrative relief (suspension of deportation) since he has resided in the country for the needed seven years, but that was not available to him when we filed the bill.

Administrative relief is only a paper remedy.

The administrative route could drag on for months or years—and

in the process, this will probably intensify Mr. Karges' serious medical problems and cause Juan to give up hope for a productive future. Clearly, the interests of the Congress and the American people will not be served by such an outcome.

While I appreciate the Chairman's concern that this Subcommittee not become an immigration mill, I also believe that we should approve private bills that have special merits and without which we would inflict undo suffering.

I respectfully submit that the only private bill which I have filed (H.R. 3169) is one of these cases.

Let me conclude by saying I would not take the Subcommittee's time if I did not firmly believe in the merits of Juan's bill.

Caring and self-sacrificing people like the Karges family and the staff at the Anne Carlsen School for Crippled Children have given Juan a new hope in life. He has responded in turn by working hard to overcome his physical handicaps and to complete his high school training.

Eight years ago, Juan Ramirez was a walking obituary notice. Now he is set to begin his college education.

Let's give him the chance he has earned.

AFFIDAVIT

STATE OF NORTH DAKOTA,
County of Mercer, ss:

V. E. Karges and Olga Karges, of the vicinity of Hazen, in the County of Mercer, and State of North Dakota, being first duly sworn, depose and say that they are life long residents of Mercer County, North Dakota, and are farmers by occupation; that in March 1975, they received into their home, Juan Ramirez, a young Ecuadorean Indian boy who had been admitted into this country for physical rehabilitation purposes; that Juan attended school at Hazen, North Dakota, for a short time and then completed his primary and high school education at the Anne Carlsen School for Crippled Children at Jamestown, North Dakota; that Juan is enrolled as a student for the fall term at the Wahpeton State School of Science at Wahpeton, North Dakota, but is currently employed at the Anne Carlsen School; that although Juan has benefitted from government programs as a result of his disabilities, your affiants have also assisted him financially and even more importantly have instilled in him a deep love of our country; that Juan does not have any outstanding medical bills or any other unpaid debts or claims outstanding; that your affiants stand ready, willing and able to continue such assistance to Juan as may be necessary to preclude that he should ever become a burden to the United States government; and further, that your affiants are confident that Juan, after completing his education, will prove by his conduct and industry that he merits the consideration shown him by a compassionate and humanitarian government.

Dated August 4, 1982, at Hazen, North Dakota.

V. E. KARGES,
OLGA KARGES.

STATE OF NORTH DAKOTA,
County of Mercer, ss.

On this 4th Day of August, 1982, before me personally appeared V. E. Karges, and Olga Karges, known to me to be the persons de-

scribed in and who executed the within instrument, and acknowledged to me that they executed the same.

AUGUST C. DRAEB, *Notary Public.*

[SEAL]

[Mailgram]

FINANCIAL AID OFFICE,
NORTH DAKOTA SCHOOL OF SCIENCE,
Wahpeton, N. Dak.

Congressman BYRON L. DORGAN,
U.S. House of Representatives, Washington, D.C.
Attention Douglas Norell.

This is to verify that Juan Ramirez, Hazen, N. Dak., has been accepted for enrollment at the State School of Science as of July 22, 1982. If student completes the program for which admitted we would expect that he would become a productive member of our society. Our most recent statistic reveals that the SSS placement office places over 90 percent of its available graduates. Student has been awarded a tuition free waiver scholarship and student employment position for the college year 1982–83.

Sincerely yours,

DONALD J. TOBIN,
Director, Financial Aid.

THE ANNE CARLSEN SCHOOL
FOR THE PHYSICALLY HANDICAPPED,
Jamestown, N. Dak., June 21, 1982.

To whom it may concern:

Juan graduated from high school on June 3rd, 1982 and began working for the maintenance department under my supervision on June 7th, 1982.

Juan's first job was general landscaping, i.e., clipping around trees, trimming tree limbs and general beautification of grounds. He did an excellent job and used very good judgment.

Presently he is refinishing woodwork and furniture. His work exemplifies good work habits and an excellent finished product.

Juan gets along well with the other staff members and is always willing to do his share of the work. Juan is dependable and willing to try any task that is assigned to him. He has a lot of perseverance and sticks to a task until it is completed.

Juan will continue to work under my supervision until he gets enough money and is accepted into a vocational school.

Respectfully submitted.

RAY SAHR,
Maintenance Engineer.

OLIVER-MERCER SPECIAL EDUCATION,
Hazen, N. Dak., November 12, 1980.

To whom it may concern:

Juan Ramirez is a physically handicapped young man that is currently being rehabilitated at the Anne Carlson Crippled Children's

School in Jamestown, North Dakota. His physical disabilities are such that he will need the services available at the Anne Carlsen School so as to be able to lead a productive life. To take Juan out of this program, for whatever reason, would be truly an inhumane act.

Juan is a cooperative young man who is greatly appreciative of his opportunities. He has been placed in a summer employment program under my direction for the past two summers and shown enthusiasm toward becoming an independent worker.

This young man is heading toward becoming a productive citizen who will not be a burden on society. He should definitely remain where he is for he has a loving and supportive family in Hazen and appropriate educational opportunities.

Sincerely,

MIKE FERRELL,
Director, Oliver/Mercer Multidistrict Special Ed.

HAZEN CLINIC, P.C.,
Hazen, N. Dak., June 23, 1982.

Congressman BYRON L. DORGAN,
U.S. Congress,
Washington, D.C.

DEAR SIR, I would like to endorse my concern for Victor Karges, Hazen, North Dakota in his efforts to keep his foster child in the USA.

Vic has been my patient for sometime and among the other medical problems to cope with, has contended spiritedly with the loss of use of his left arm and severe crippling arthritis. I hold Victor Karges in high personal esteem as an undaunted American who despite his severe disabilities has remained a man of high resolve. Nevertheless I fear that in his present concern he has increasingly placed his own health in considerable jeopardy which leaves me utterly distressed.

I do beseech you if the present problem could be dealt with with expedience and humane manner to Vic's satisfaction that this fine gentleman might yet be spared to enjoy his remaining days in fruitful endeavour. I do know of his implicit trust in your personal qualities which we in North Dakota are very proud of.

Yours truly,

HARJEET M. SINGH, M.D.

The following additional information was provided:

STATEMENT OF DR. DEVOTA J. NOWLAND

Devota J. Nowland, being first duly sworn states that the following are true and correct:

1. I am a citizen of the United States and reside in Armada, Michigan. I am a physical therapist and a physician of osteopathy.

2. During February of 1974, I spent a short vacation in Ecuador to check into the possibility of medical caravan work with a missionary group stationed in Quito, Ecuador. I was visiting Quito at the invitation of a college friend who worked with HCJB as an elementary teacher in the mission school.

3. During my visit in Quito, I visited the home of a missionary who was caring for Juan Esteban Ramirez.

4. Juan Esteban Ramirez, from the information I have, was born on August 30, 1958, in the province of Napo, which is part of the eastern

jungles of Ecuador. He is one of seven illegitimate children, five of whom are still living. According to the mores of the society, children who are girls or handicapped are considered to be worthless. When Juan was three years old, he contracted polio. Because of the polio and the one daughter, Juan's father abandoned the family. Juan's mother moved in with a second man who killed Juan's sister and demanded that Juan be sold or abandoned.

5. The polio left Juan with his right foot at a 90-degree angle from normalcy and the left foot practically upside down, with the left leg one inch shorter than the right leg.

6. Because of her second husband's demand, during 1973, Juan's mother sold Juan to a woman who ran a small restaurant in the Napo area. This is not an unusual custom in Ecuador to sell children for working money. Juan's mother made about fifty cents a day at the work she could find, such as washing clothes or performing other chores. The family did not want Juan, and the other children were extremely cruel to him.

7. During January, 1974, Juan was found by an HCJB missionary medical caravan while he was having convulsions. He was suffering from malnutrition, four or five kinds of worms and amobeas, a low hemoglobin count of 2 grams, and weighed approximately 35 pounds. At that time he was 16 years old. The woman to whom Juan's mother had sold Juan, forced Juan to live in a tiny mud-floored room with no windows and a grass mat to sleep on. Each night he was locked into his room after he finished his work of peeling and preparing vegetables in the restaurant.

8. The medical caravan director and the nurses who found Juan were convinced that if he did not receive immediate medical care and treatment in Quito, he would die. The medical director contacted the government hospital in Quito and was informed by the government hospital that if Juan were brought into the Quito area, the hospital would treat him. However, when the medical caravan brought Juan to the government hospital, they refused him entry. He was, therefore, taken to the missionary hospital, where he received treatment. After treatment at the hospital, Juan's condition improved sufficiently to enable him to have surgery performed. An Ecuadorian bone specialist performed two separate surgical operations on Juan's feet and leg. The surgeon performed the surgery as charity work for the mission hospital. He used Juan's case to demonstrate his surgical skill. As a result of the surgery, consisting of eight incisions in both legs, both feet were placed into normal position. The left leg has been lengthened ¾ of an inch. However, that leg has no muscle control. Juan is able to walk with crutches and a brace.

9. When I was in Ecuador, Juan was staying with the director of the medical caravan, who indicated that he would not be able to provide Juan with physical therapy and adequate medical care. I asked to see the child, and based upon my background, saw that there was potential to provide Juan with necessary medical treatment. Although the boy had grandparents in Quito, they would not acknowledge him, and he has been completely cast off by his family.

10. When I learned that nobody wanted the boy, not even his own parents, I offered to take Juan to the United States where he could receive physical therapy if a visa could be obtained for him. Juan's

mother gave her consent for this to be done with the possibility of adoption.

11. It took from late February until August 26, 1974, for the Ecuadorian government to grant permission for Juan to live in the United States on a nonimmigrant visa. I received assistance through Senator O'Hare's office in Washington, D.C. Since I did not know anything about immigration procedures, I relied on the work of Senator O'Hare to obtain the proper visa for Juan's stay in the United States for physical rehabilitation, education and psychic habilitation.

12. My missionary teacher friend, Elazabeth Kimmer, brought Juan from Ecuador to Michigan on September 7, 1974. Within the first week of his arrival, he was placed in the fourth grade of the Armada Grade School.

13. During the time that Juan stayed with me, he was fit with new braces and new shoes. Because of his polio, he required two different sized shoes. He was able to advance to the fifth grade reading level in English.

14. I attempted to adopt Juan. However, Ecuador law would not permit me to adopt Juan, because single women cannot adopt children not of their own sex. In addition, Juan was physically developing and needed the attention of a male parent. Therefore, I found that it was necessary to place him with the Children's Village in Fargo, North Dakota, to determine if they could place him with a proper family. Moreover, I was in a rural area with a case load of approximately 7,000 patients for three offices. I did not have the time Juan needed to continue his socializing and education.

15. At the time Juan left me, he weighed 99 pounds and had grown approximately three inches. He had potential artistic talent which he seemed to want to develop, and we encouraged that.

16. A proper adoptive home was sought for him through the Children's Village mission. Mr. and Mrs. Vic Karges agreed to take him. Mr. Karges is a handicapped person himself who has one child with cerebral palsy. Mr. Karges has always worked with the handicapped.

17. From my discussions with Elizabeth Kimmer, my missionary friend in Ecuador, there is no one who will take Juan back in Ecuador, since he was given away by his mother. He will be treated as an outcast. His years in the United States have accustomed him to a way of life which is not transferrable to Ecuador. I, therefore, support any request for relief which would enable Juan Ramirez to remain in the United States because of his physical condition and because of the mistreatment and abuse he would encounter if he were returned to Ecuador.

DEVOTA JOYCE NOWLAND, M.D.

Subscribed and sworn to before me this 15th day of August 1980.

EVELYN CONRAD, *Notary Public.*

BUDGETARY INFORMATION

This legislation does not provide new budget authority and no estimate or comparison has been received from the Director of the Congressional Budget Office.

OVERSIGHT STATEMENT

The Committee exercises general oversight jurisdiction with respect to all immigration and nationality matters but no specific oversight is contemplated in this instance.

COMMITTEE RECOMMENDATIONS

Upon consideration of all the facts in this case, the Committee is of the opinion that S. 167 should be enacted and accordingly recommends that the bill do pass.

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